

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

LARRY MAGNONI and AARON WILLIAMS,)
Appellants,) Case Nos. ALLO-99-0015 & ALLO-99-0016
v.) ORDER OF THE BOARD FOLLOWING
DEPARTMENT OF TRANSPORTATION,) HEARING ON EXCEPTIONS TO THE
Respondent.) DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. Pursuant to RCW 41.64.060 and WAC 358-01-040, these matters came on for a consolidated hearing before the Personnel Appeals Board, NATHAN S. FORD JR., Member, on Appellants' exceptions to the Director's determination dated April 30, 1999. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on September 22, 1999. GERALD L. MORGEN, Vice Chair, reviewed the record, including the file, exhibits, and the entire taped proceedings, and participated in the decision in this matter. WALTER T. HUBBARD, Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Appellants Larry Magnoni and Aaron Williams were present and were represented by Vincent T. Oliveri, Union Representative with the International Federation of Professional and Technical Engineers, AFL-CIO/CLC, Local 17. Respondent Department of Transportation (DOT) was represented by Carol Bogue, Human Resource Representative.

Background. Appellants requested reallocation of their positions by submitting classification questionnaires (CQs) to DOT personnel. Appellants requested that their positions be reallocated to

1 the Transportation Engineer (TE) 3 classification. By letters dated November 30, 1998, Respondent
2 DOT denied Appellants' requests for reallocation.

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4 Appellants appealed DOT's decisions to the Department of Personnel. The Director's designee,
5 Mary Ann Parsons, conducted an allocation review of Appellants' positions. By letter dated April
6 30, 1999, Ms. Parsons determined that Appellants' positions were properly allocated. On May 26,
7 1999, Appellant Magnoni filed timely exceptions to the Director's determination with the Personnel
8 Appeals Board. On May 27, 1999, Appellant Williams filed timely exceptions to the Director's
9 determination with the Personnel Appeals Board. Appellants' exceptions are the subject of this
10 proceeding.

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12 In summary, Appellants disagree with the Director's determination and asserts that the Director's
13 designee erred by finding that the majority of the work they perform is encompassed by the
14 Transportation Engineer 2 classification.

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16 **Summary of Appellants' Argument.** Appellants argue that they function as staff specialists
17 performing preliminary engineering work in the field of acoustics and vibration and represent the
18 agency at open houses and public meetings. Appellants contend that their positions perform
19 complex acoustical analysis and advanced engineering on major projects statewide. Appellants
20 assert that their duties and responsibilities are complex, specialized, technical duties and that they
21 perform these duties under limited supervision as described by the TE 3 classification. Therefore,
22 Appellants contend that their positions should be reallocated to the TE 3 classification.

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24 **Summary of Respondent's Argument.** Respondent argues that Appellants' positions best fit the
25 TE 2 classification. Respondent contends that the preliminary engineering portion of the
26 distinguishing characteristics of the TE 2 classification specifically encompasses Appellants' duties

1 and responsibilities. Respondent further contends that the preliminary engineering portion of the
2 distinguishing characteristics of the TE 3 classification requires incumbents to lead or supervise a
3 team of at least three engineers and technicians. Because Appellants' position do not have
4 supervisory responsibilities and because their positions are specifically encompassed by the TE 2
5 classification, Respondent contends that Appellants' positions should remain allocated to the TE 2
6 classification.

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8 **Primary Issue.** Whether the Director's determination that Appellants' positions are properly
9 allocated to the Transportation Engineer 2 classification should be affirmed.

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11 **Relevant Classifications.** Transportation Engineer 2, class code 66140, and Transportation
12 Engineer 3, class code 66160.

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14 **Decision of the Board.** At the outset of the hearing on Appellants' exceptions, Appellants asked
15 the Board to consider the written statements of their supervisors, Martin Palmer and Sam Teitzel.
16 These statements were dated September 22, 1999, and were made to summarize and memorialize
17 information Mr. Palmer and Mr. Teitzel orally provided to the Director's designee. The Board
18 reviewed the information, considered the arguments of the parties and finds that the written
19 statements should be admitted into the record as a memorialization of statements made during the
20 DOP allocation review hearing.

21
22 The purpose of a position review is to determine which classification best describes the overall
23 duties and responsibilities of a position. A position review is neither a measurement of the volume
24 of work performed, nor an evaluation of the expertise with which that work is performed. Also, a
25 position review is not a comparison of work performed by employees in similar positions. A
26 position review is a comparison of the duties and responsibilities of a particular position to the

1 available classification specifications. This review results in a determination of the class which best
2 describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington
3 State University, PAB Case No. 3722-A2 (1994).

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5 When there is a class definition that specifically includes a particular assignment and there is a
6 general classification that has a definition which could also apply to the position, the position will
7 be allocated to the class with the definition that includes the position. Mikitik v. Dep'ts of Wildlife
8 and Personnel, PAB No. A88-021 (1989).

9
10 Appellants are assigned projects in the areas of acoustics and vibrations. These projects can be
11 located in any region of the state. In regard to these projects, Appellants independently work with
12 project engineers, represent the agency at open houses, hearings and various other meetings relating
13 to noise mitigation and investigate and respond to noise complaints and inquiries. Appellants do
14 not supervise subordinate employees. Appellants provide direction and advice to others regarding
15 noise mitigation issues, are considered staff specialists and, as indicated on the their CQs, perform
16 the duties of their positions with little supervision.

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18 The definition of the TE 3 classification encompasses positions that perform advanced
19 transportation engineering work. The distinguishing characteristics for the class describe the level
20 and scope of duties for various tasks and working titles. Appellants assert that their positions fall
21 within the preliminary engineering portion of distinguishing characteristics. The distinguishing
22 characteristics for preliminary engineering require incumbents to lead a "team of at least three
23 engineers and technicians at least one of which is a Transportation Engineer 2, Transportation
24 Planning Specialist 2 or equivalent. In addition to supervising the team and being responsible for
25 the projects assigned, the team leader also does the most complex design work such as writing new
26 specifications, traffic switches, etc."

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2 Appellants do not have lead or supervisory responsibilities. Therefore, Appellants' positions do not
3 meet the level and scope of duties described by the TE 3 classification.

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5 The TE 2 classification encompasses positions that work under general supervision to accomplish a
6 wide variety of work in the office, laboratory and/or field. Under the relevant portion of the
7 preliminary engineering section of the distinguishing characteristics, the position allocated to the
8 TE 2 classification "prepares environmental documents . . . obtains environmental regulatory
9 permits; reviews design reports and contract plans for compliance with environmental regulations
10 and mitigation features; reviews platting and environmental documents submitted by local agencies;
11 predicts noise levels; analyzes noise levels and determines alternative abatement measures;
12 investigates and responds to complaints."

13
14 Appellants independently apply their knowledge and expertise to a wide variety of work related to
15 the acoustical analysis of environmental studies. Appellants' supervisor assigne projects to
16 Appellants and Appellants plan, coordinate and implement these projects. Although the TE 2
17 classification does not specifically address attending public meetings as the agency representative,
18 these duties fall within the level and scope of field work, acting as a liaison, and interfacing with the
19 public and contractors and is encompassed by this classification. Appellants' knowledge and
20 expertise in the field of noise abatement is clearly respected and valued by the agency. However,
21 the preponderance of Appellants' duties are specifically addressed in the TE 2 specification.
22 Therefore, Appellants' positions are best described by this classification. Appellant's positions are
23 properly classified and the determination of the Director's designee should be affirmed.

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25 **Conclusion.** The appeals on exceptions by Appellants should be denied and the Director's
26 determination dated April 30, 1999, should be affirmed and adopted.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeals on exceptions by Appellants are denied and the Director’s determination dated April 30, 1999, is affirmed and adopted. A copy is attached.

DATED this _____ day of _____, 1999.

WASHINGTON STATE PERSONNEL APPEALS BOARD

Gerald L. Morgen, Vice Chair

Nathan S. Ford Jr., Member